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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,738	01/10/2001	Sam Shiaw-Shiang Jiang	ASTP0007USA	6828
27765	7590	06/17/2004	EXAMINER	
NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE) P.O. BOX 506 MERRIFIELD, VA 22116				MACE, BRAD THOMAS
ART UNIT		PAPER NUMBER		

DATE MAILED: 06/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/756,738	JIANG ET AL.	
	Examiner	Art Unit	
	Brad T. Mace	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,3,6-8,10, and 13-14 is/are rejected.
- 7) Claim(s) 2,4-5, 9, and 11-12 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 January 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the word "and" should be removed from line 29 of pg. 6. Reference number 121 of Fig. 12 was not placed in the specification. Reference number 161b was not placed in the specification. Reference number 167b was not placed in the specification. Appropriate correction is required.

Drawings

2. The drawings are objected to because the terms SDUs 14 and 24, PDUs 19 and 29 recited in page 1 and 2 of the specification do not match with what are being illustrated in the drawings. Figure 1 shows numeral references 14, 24, 18, and 28 as a link or line connecting two protocol layers. The terms SDUs 126 and 136, PDUs 125 and 135 recited in page 15 and 16 of the specification do not match with what are being illustrated in the drawings. Figure 12 shows numeral references 126, 136, 125, and 135 as a link or line connecting two protocol layers. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 6, 7, 8, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art.

Regarding claims 1, 3, 8, and 10:

5. The admitted prior art teaches a method and system for acknowledging a wireless data discarding request transmitted by a first station to a second station for requesting the second station to discard at least a layer 2 service data unit (SDU); lines 7-9, pg. 7, and lines 18-21, pg. 8. The admitted prior art teaches the generation of a layer 2 data discard acknowledgement protocol data unit (PDU) (lines 18-21, pg. 8), where the layer 2 data discard acknowledgement PDU has a first field that enables the first station to determine layer 2 SDUs discarded by the second station (any field in the data discard acknowledgement PDU helps to enable the first station to determine the layer 2 SDUs discarded (and thus indicating the amount of SDUs discarded) by the second station); lines 9-24, pg. 7, and lines 21-32 of pg. 8 through lines 1-4 of pg. 9. The admitted prior art teaches the transmission of the layer 2 data discard acknowledgement PDU to the first station; lines 18-19, pg. 8.

Regarding claims 6 and 13:

6. The admitted prior art teaches the layer 2 data discard acknowledgement PDU further comprises a second field for indicating a starting sequence number for an updated receiving window of the second station, and a third field for indicating discarding of layer 2 SDU data within a PDU having the starting sequence number; lines 1-14 of pg. 10.

Regarding claims 7 and 14:

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7. The admitted prior art teaches that the first station comprises a layer 2 interface and a layer 3 interface (see Figure 1, references 16 and 19), and the first field in the layer 2 acknowledgement PDU enables the layer 2 interface to inform the layer 3 interface of the number of layer 2 SDUs discarded by the second station (any field in the data discard acknowledgement PDU helps to enable the first station to determine the layer 2 SDUs discarded and thus enables the layer 2 interface to inform the layer 3 interface of the number of layer 2 SDUs discarded by the second station; lines 12-17 of pg. 7).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

*Shimbori discloses a method of subscriber data control in a mobile communication network where subscriber data is transferred from a home mobile switching center to a destination mobile switching center

*Osafune et al. discloses a mobile communication system

*Garcia et al. discloses a system and method for implementing multi-pathing data transfers in a system area network

*Wager et al. discloses a system and method for implementing a semi reliable retransmission protocol

*Sabaa et al. discloses a data communication system and method for transporting data

Miklos discloses a discard mechanism for selective repeat automatic
repeat request

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad T. Mace whose telephone number is (703)-306-5454. The examiner can normally be reached on M-F, with the exception of every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703)-305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Brad T. Mace
Examiner
Art Unit 2663

btm
June 1, 2004


RICKY NGO
PRIMARY EXAMINER